

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-20688-CIV-MCALILEY
(CONSENT CASE)

LEANDRO M. SMILASKY,

Plaintiff,

vs.

BATTERY SOLUTIONS, *et al.*,

Defendants.

ORDER APPROVING SETTLEMENT AND DISMISSING CASE

This is an action that arises under the Fair Labor Standards Act (“FLSA”). On May 19, 2022, I presided over a settlement conference at which the parties reached a full settlement of this matter. The parties advised me at that time that they would consent to my being the presiding judicial officer. Anticipating the Court’s full referral of this matter to me, I held a fairness hearing, as required by the FLSA, at the conclusion of the settlement conference. (ECF Nos. 17, 18).

The Honorable Kathleen M. Williams has since referred this matter to me, (ECF No. 21), and the parties have filed a Joint Motion for Entry of Order Approving Settlement and Dismissing Case with Prejudice. (ECF No. 23). They have also submitted to me, *in camera*, the final executed settlement agreement. I reviewed that document and find that it conforms to the information the parties provided to me at the May 19, 2022 fairness hearing. For the reasons I stated on the record at that hearing, I find that the parties’

settlement of Plaintiff's claims under the FLSA, by payment to Plaintiff of \$3,500, is a fair and reasonable resolution of a bona fide dispute. *See Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982).

Plaintiff's counsel, Zandro Palma, Esq., has also provided me, *in camera*, a Declaration in Support of Attorneys' Fees and Costs, and a statement of his time devoted to representing Plaintiff in this matter and the costs he has incurred, and I have reviewed those documents. For the reasons stated at the fairness hearing, I find that the amount of the settlement that is designated as fees for Plaintiff's counsel, \$4,500, is reasonable. *See Silva v. Miller*, 307 F. App'x 349, 351 (11th Cir. 2009).

Accordingly, the Court hereby **APPROVES** the parties' settlement agreement and **ORDERS** this action is **DISMISSED WITH PREJUDICE**. The Clerk of Court is instructed to **CLOSE** this case. The Court retains jurisdiction for sixty (60) days to enforce the parties' settlement agreement.

DONE and ORDERED in Miami, Florida this 2nd day of June 2022.

A handwritten signature in blue ink, reading "Chris McAliley", is written over a horizontal line.

CHRIS McALILEY
UNITED STATES MAGISTRATE JUDGE